

**MINUTES  
SCOTTSDALE PLANNING COMMISSION  
KIVA – CITY HALL  
3939 N. DRINKWATER BOULEVARD  
JANUARY 30, 2002**

**PRESENT:** David Gulino, Chairman  
Chuck Lotzar, Vice Chairman  
Betty Drake, Commissioner  
Margaret Dunn, Commissioner  
Kay Henry, Commissioner  
Tony Nelssen, Commissioner  
Kevin Osterman, Commissioner

**STAFF:** Pat Boomsma  
Burns Gutzwiller  
Jerry Stabley  
Jason Yaich

**CALL TO ORDER**

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:00 p.m.

**ROLL CALL**

A formal roll call confirmed members present as stated above.

**OPENING STATEMENT**

**COMMISSIONER OSTERMAN** read the opening statement, which describes the role of the Planning Commission, and the procedures used in conducting this meeting.

**MINUTES APPROVAL**

1. January 16, 2002

**COMMISSIONER HENRY** requested an addition to the January 16, 2002 minutes. On page 1, under Election of Chairman and Vice Chairman, the minutes did not reflect that the gavel was passed from Chairman Drake to Commissioner Gulino to preside over the rest of the meeting as the new Chairman. Perhaps it was left out of the minutes because nothing was said but should be stated before the opening statement. On page 2, under "Minutes Approval," it states Chairman Drake. Since that was after the gavel was passed, it should state Commissioner Drake.

**APPROVED 2/13/02**

**COMMISSIONER OSTERMAN MADE A MOTION TO APPROVE THE JANUARY 16, 2002 MINUTES AS AMENDED. SECOND BY COMMISSIONER DRAKE.**

**THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).**

**EXPEDITED AGENDA**

2. **18-AB-2001** (McDowell Mountain Arroyos Abandonment) request by Anthony Mormino, applicant, multiple owners, to abandon portions of Mary Katherine Drive north of Via Linda, west of 122<sup>nd</sup> Street.

**MR. GUTZWILLER** presented this case as per the project coordination packet. Staff recommends approval of 18-AB-2001 subject to the dedication of a 25 feet wide multi-use trail along the north boundary of the McDowell Mountain Arroyos subdivision, and a Natural Area Open Space easement reservation over the north 20 feet wide half and partial cul-de-sac of Mary Katherine Drive.

**COMMISSIONER NELSEN** stated he would like it noted that if the McDowell Mountain Arroyos subdivision places a wall or barrier between the trail connection and the subdivision that they pay particular attention to the detail on the outside of the wall with regard to what the people using the trail would see.

**COMMISSIONER NELSEN** inquired what the width was for the dedicated public trail. Mr. Gutzwiller replied the trail width would be 25 feet.

**COMMISSIONER HENRY** asked who requested that the dedicated public trail would be 25 feet. Mr. Gutzwiller stated during discussions with Scott Hamilton, the City's Trails Coordinator, it was decided that the City would dedicate the 25 feet as a requirement to allow ample room to have the trail meander.

**COMMISSIONER HENRY** stated the report indicates that 20 feet on the north of Mary Katherine Drive would be abandoned and 25 feet on the south of Mary Katherine Drive would be abandoned. She inquired if that would be a total of 45 feet. Mr. Gutzwiller replied in the affirmative.

(THERE WAS NO PUBLIC TESTIMONY)

3. **1-UP-2002** (Maximum Fitness Use Permit) request by Patrick Hayes Architecture, applicant, BC02000 LLC, owner, for a conditional use permit for a health studio in a 11,696 sq. ft. building located at 8551 E. Anderson Drive, with Industrial Park (I-1) zoning.

**APPROVED 2/13/02**

**MR. YAICH** presented this case as per the project coordination packet. Mr. Yaich stated that Mr. Nelssen inquired during Study Session whether or not there was a public art requirements relating to the development. The Perimeter Center does have that requirement which is based on the zoning and has been administered through the CC&R's as each project comes through for development in the Perimeter Center. Staff will stipulate the public art requirement will be met as a condition of the Certificate of Occupancy. Staff recommends approval of this Use Permit request.

**COMMISSIONER HENRY** expressed her concern regarding the parking and the fact that it could get very crowded before 7:00 a.m. and after 5:00 p.m. She inquired if all of the parking is around Building A. **MR. YAICH** stated the 257 spaces apply to the overall site. Commissioner Henry stated that, depending on who the other tenants are, there could be an overlap during peak hours.

**COMMISSIONER HENRY** requested information regarding the relationship to the existing health studio and the requirements under the I-1 zoning ordinance. **MR. YAICH** stated staff reviewed the parking and one of the things taken into consideration was that the primary use of the health studio would occur during off peak hours. The other three buildings are office warehouses and would be occupied from 8 to 5.

**MR. YAICH** stated with regard to the relationship to the existing health studio and the requirements under the I-1 zoning ordinance, the applicant could better answer that question.

**PATRICK HAYES**, Patrick Hayes Architecture, 15849 N. 71<sup>st</sup> Street, Suite 200, architect representing the applicant, stated that the Maximum Fitness use would be slightly different from some other health studios. The majority of Maximum Fitness clients are being trained. It is not a large volume type facility. He further stated that they do have a long history of repeat clients and they expect many of them to follow them to this facility. He commented a large number of professionals work at the Perimeter Center, and that is the market they are targeting.

**COMMISSIONER NELSEN** stated that he does not have a problem with this use. He inquired if this would be an analogous use to the I-1 zoning. **MR. STABLEY** stated that the ordinance does talk about compatible uses. Staff feels this is a compatible use. He further stated this facility would be used during off peak times. He added he felt that the times that the facility is being used at the existing location would continue at this new location.

**COMMISSIONER NELSEN** stated his question was one of precedent setting. This does seem to fit in this environment and there is a market. He further stated that he is not sure a health studio is analogous and compatible with the industrial zoning. He added he has an interpretive issue with the zoning ordinance.

**APPROVED 2/13/02**

(THERE WAS NO PUBLIC TESTIMONY)

**COMMISSIONER DUNN MOVED TO FORWARD CASES 18-AB-2001 AND 1-UP-2002 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL SUBJECT THAT 1-UP-2002 MEETS THE USE PERMIT CRITERIA. SECONDED BY COMMISSIONER OSTERMAN.**

**THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).**

**WRITTEN COMMUNICATION**

There was no written communication.

**ADJOURNMENT**

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 5:25 p.m.

Respectfully Submitted,

"For the Record " Court Reporters

**APPROVED 2/13/02**